

AMENDMENT UNDER 37 C.F.R. §1.116
Application Number: 10/769,776

Our Ref: Q79666
Art Unit: 2871

AMENDMENTS TO THE DRAWINGS

Applicants are submitting herewith 2 (two) sheets of replacement drawings which include Figures 6 and 7. The legend "Prior Art" has been added to Figures 6 and 7. The submitted replacement sheets are intended to replace Figures 6 and 7 originally submitted on February 3, 2004.

Attachment: Replacement Sheets of Figures 6 and 7

REMARKS

Foreign Priority:

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority under 35 U.S.C. § 119(a)-(d), and for confirming that the certified copy of the priority document has been received at the Patent Office.

Drawings:

The Examiner has also indicated that the drawings filed on February 3, 2004 have been objected to. Specifically, the Examiner has indicated that Figures 6 and 7 should be identified as "PRIOR ART."

Applicant submits herewith replacement Figures 6 and 7, and hereby requests the Examiner reconsider and withdraw the above objection to the drawings.

Claim Rejections:

Claims 1-18 are all of the claims pending in the present application, and currently all of the claims stand rejected.

35 U.S.C. § 102(b) Rejection - Claims 1-3 and 13:

Claims 1-3 and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 2001-0034242 to Takagi. In view of the following discussion, Applicant respectfully traverses the above rejection.

In rejecting the above claims, the Examiner is relying primarily on Figures 5 and 7, of Takagi.

Specifically, the Examiner is reading the components 160 + 170 as the “first casing body” and the components 161 + 171 as the “second casing body.” Further, the Examiner is alleging that the components 120 + 150 are the claimed “base” when these components are assembled. The Examiner is interpreting the hinge 103 to be a “provisional fixing member” which attaches the display (130 + 151) to the base, such that the display is “movable” within a predetermined range.

Essentially, the Examiner is arguing that because the upper half of the phone is pivotable around the hinge 103, the display (130 + 151) is “movable within a predetermined range” with respect to the base (i.e. the bottom portion of the phone 120 + 150).

Secondly, the Examiner is arguing that the screws 140 and 141 are “positioning portions” because they are capable of restricting the movement of the display.

However, Applicant submits that even with the Examiner’s above assertions, Takagi fails to disclose each and every feature of the claimed invention. Further, to make this distinction clear, Applicant has amended claims 1 and 13 as shown in the previous section. Specifically, in the claimed invention, the “positioning portion” restricts the movement of the display with respect to both the first and second casing bodies, when the display is attached to the base. Applicant submits that this is not disclosed, taught or suggested by Takagi. As such, Takagi fails to anticipate the claimed invention.

Additionally, Applicant notes that in claims 1 and 13, the provisional fixing member makes the display movable, and the positioning portion fixes the display with respect to both of the first casing body and the second casing body. Therefore, if there is a gap between the second

casing body and the first casing body, or between the first casing body and the display, the gap can be adjusted within the predetermined range when the display is fixed.

However, the device in Takagi cannot position the display at an accurate position if there is a gap between the second casing body and the first casing body, or between the first casing body and the display. This is because Takagi's fixing member 103 does not fix the display with respect to both of the first casing body 160, 170 and the second casing body 161, 171. Thus, again, Takagi fails to disclose each and every feature of the claims invention.

In view of the foregoing, Applicant submits that Takagi fails to disclose each and every element of the claimed invention, in particular the claimed etching adjustment layer. Therefore, Takagi fails to anticipate the claimed invention, as required under the provisions of 35 U.S.C. § 102(b). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the 35 U.S.C. § 102(b) rejection of the above claims.

35 U.S.C. § 103(a) Rejections - Claims 4-7, 10-12 and 14-18:

Claims 4-7 and 10-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Takagi in view of various secondary references. However, as none of the Examiner's cited secondary references cure the deficient teachings of Takagi, with respect to either claims 1 and 13, Applicant submits that these claims are also allowable, at least by reason of their dependence.

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

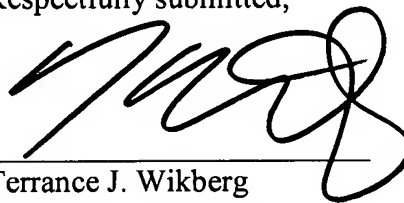
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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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